

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification) NO. CR 2014-01566
to Conduct Gambling Activities of:)

Tami R. Morlan)
Olympia, Washington,)

**FINDINGS, CONCLUSIONS,
DECISION, AND FINAL
ORDER IN DEFAULT**

Class III Employee.)
_____)

THE MATTER of the revocation of the certification to conduct gambling activities of Tami R. Morlan, having come before the Commission on January 8, 2015, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Tami R. Morlan the following Class III Employee certification:¹

Number 69-09777, authorizing Class III Employee activity, formerly at Red Wind Casino in Olympia.

The certification expires on January 2, 2015, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Nisqually Tribal Gaming Commission's Tribal/State Compact.

II.

On October 29, 2014, Director David Trujillo issued administrative charges to Tami R. Morlan, by regular and certified mail. The administrative charges notified Ms. Morlan that failure to respond would result in the entry of a default order revoking her certification. Ms. Morlan did not respond to the charges and waived her right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

¹The Commission issues Class III certifications to Tribal casino employees. Certifications allow similar activities as Card Room Employee (CRE) licenses for persons working at commercial house-banked card rooms. Class III employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

III.

SUMMARY:

Tami R. Morlan's license was revoked by the Nisqually Tribal Gaming Commission (NTGC) because she committed a theft.

FACTS:

- (1) On June 23, 2014, a Washington State Gambling Commission Special Agent (agent) was assigned Ms. Morlan's file after NTGC notified Commission staff of her revocation and provided the Incident File Report, including supporting documentation.
- (2) According to the Incident File Reports, the NTGC conducted an investigation into a suspicious variance from the vault of \$11,700. On April 12, 2014, NTGC was informed of a variance in the cage. The report stated that when cage cashier Meagan Bullock pulled money from the vault, she found a bundle of \$100 bills in which the outside straps were missing about half the money from each.
- (3) NTGC met with Teri Hernandez, the cage supervisor who was on duty at the time. She stated that there was an \$11,700 variance from the vault. It was discovered in two separate bundles. One bundle had a strap that was short \$2,500 from the middle of the bundle. The other was short \$9,200 from the two outside straps. Ms. Hernandez stated that it was obvious the two bundles were short. The bundles were initialed and dated April 7, 2014, by cage cashier Wendy Dionne. Ms. Hernandez stated that she was concerned because the initials on the straps did not look like Ms. Dionne's. She stated that the initials looked like Ms. Morlan's, the cage manager. Ms. Bullock also stated that she believed the handwriting on the straps was Ms. Morlan's.
- (4) NTGC was told that Ms. Morlan and Kathleen Sayward were working in the cage and vault the day before the variance. Review of surveillance shows Ms. Morlan, Ms. Sayward, and Ms. Hernandez in the cage. During this time, surveillance shows Ms. Morlan removing two \$100 bundles. She ran bills through the bill counter and re-strapped them. When initialing the straps, Ms. Morlan turned away from Ms. Hernandez. Later, Ms. Sayward signed into the vault and began to place the bundled money into the safe. She then went directly to the cage shift office where she could not be seen. A few minutes later she returned to work in the vault. The next day the \$11,700 variance was discovered.
- (5) The day the variance was discovered, April 12, 2014, Ms. Morlan was brought in to help find the missing money. She stated that she thought the money was taken from the vault. She also said she did not think any of her staff would have taken it. When asked to review where Ms. Dionne had made the two bundles in question, she seemed to get flustered and stated she did not know if she could find it. She said it would be very hard to track the movement of two bundles like that. NTGC reviewed surveillance and determined that Ms. Dionne did not make any \$100 bundles that day that were placed in the vault.

(6) On April 14, 2014, NTGC was informed that an overage of \$11,600 was found in the cage that morning. An employee discovered the overage after Ms. Sayward turned in a Ticket Redemption Kiosk² (TRK) cassette to her for verification. The same cassettes were checked for the missing money on April 12, 2014, and had been sealed. Ms. Sayward was the first person to break the seal and enter the cassette since April 12, 2014. NTGC believed this was when Ms. Sayward re-introduced the missing money into the cassette.

(7) On April 15, 2014, NTGC brought Ms. Morlan in to interview her. Ms. Morlan denied knowing what happened to the money. She said she would be surprised if Ms. Sayward had taken the money and tried to distance herself from Ms. Sayward. She claimed to have no involvement in the theft and had no idea who could be involved.

(8) NTGC interviewed Ms. Sayward, who admitted she was involved in the theft. NTGC asked Ms. Sayward if anyone else was involved. She first stated that she did not want to get anyone else in trouble. She then went on to explain that the whole thing started when Ms. Morlan wanted to get back at Ms. Dionne. She came up with a plan to get Ms. Dionne fired the way a former employee got fired. Ms. Sayward was asked if they were behind the former employee getting fired for a similar incident, and she said, "no."

(9) Ms. Sayward stated she and Ms. Morlan had communicated via e-mail and text about carrying out the theft. She said the night before the theft, Ms. Morlan sent her a text saying to be ready to wear long sleeves. Ms. Sayward said that was when she knew she was going through with it. Ms. Sayward stated she took the money from the vault by putting it in her bra. She stated that she re-introduced the money by hiding it in paperwork on a cart. She then took the money from the cart and put it into the TRK cassette. She was then going to run the cassette, but she didn't want to be the one that found the money, so she put the cassette in the cart for someone else to find.

(10) Ms. Sayward explained that Ms. Morlan and Ms. Dionne did not get along and that Ms. Dionne treated Ms. Morlan badly. NTGC informed Ms. Morlan that they had gathered evidence to show she was involved in the theft and that Ms. Sayward told NTGC everything. NTGC explained that there was a big difference in committing theft and just trying to get Ms. Dionne fired. Ms. Morlan said, "Ok, so what happens if I admit to that?" She asked if she was going to get fired. She was told that she was only going to get suspended at that time.

(11) Ms. Morlan stated that she didn't want anyone to get in trouble for it, which was why she second-guessed herself and they re-introduced the money. She said she made an irrational, probably postpartum decision in her head. She figured this was the only way to get Ms. Dionne out because they were having family issues. Ms. Dionne was dating Ms. Morlan's dad. She said she decided to bring the money back because she had a change of heart and didn't want to get Ms. Dionne fired.

(12) On April 17, 2014, Ms. Sayward was brought in for a second interview. She said that Ms. Morlan and Ms. Bullock had both been calling her and hounding her not to say anything.

² The TRK contain multiple cash dispensing units (cassettes); each cassette has a separate denomination of bills.

Ms. Sayward said she just wanted the whole thing to be over, and she knew what she had done was wrong.

(13) Ms. Sayward stated that along with Ms. Morlan, they had done the same thing to a former employee. She stated they took \$10,000 and split it \$5,000 each. She said that Ms. Morlan made some changes to the procedures so they could have easier access to the vault. She said she couldn't remember if Ms. Morlan specifically targeted the former employee or not; she said they used the former employee's case as a model for Ms. Dionne's case.

(14) Ms. Morlan confessed to removing money from the vault on April 11, 2014. Ms. Sayward claims it was all Ms. Morlan's plan. Ms. Morlan claims they planned it together.

(15) Ms. Morlan, Ms. Sayward, and Ms. Bullock all had their licenses suspended by NTGC. The notices said that the suspension would become a revocation if the matter was not appealed within 15 days. Ms. Morlan did not appeal her license and was permanently revoked.

VIOLATIONS:

1) Section V. C. of the Tribal-State Compact for Class III Gaming with the Nisqually Tribe.

The State Gaming Agency³ may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification or principal of an entity:

(The following subsection applies.)

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

(3) Has a Tribal license revoked and demonstrated willful disregard for compliance.

2) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsections apply.)

³ Washington State Gambling Commission, as referred to in Section II.V. of the Tribal-State Compact for Class III Gaming for the Nisqually Tribe.

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter;

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

3) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsection applies.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

4) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Ms. Morlan poses a threat to the effective regulation of gambling and has failed to prove she is qualified to hold a certification based on the revocation of her license by the Nisqually Tribal Gaming Commission. By having her license revoked, Ms. Morlan has failed to establish, by clear and convincing evidence, as required by RCW 9.46.153(1), that she is qualified to be certified. Grounds, therefore, exist to revoke Ms. Morlan's Class III Employee certification under the Nisqually Tribal/State Compact, RCW 9.46.075(1) and (8), and (10), and WAC 230-03-085(1), and (8).

IV.

CONCLUSIONS OF LAW

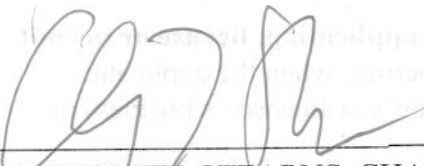
The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Tami R. Morlan's certification to conduct gambling activities under the authority of the Tribal/State Compact, RCW 9.46.075 and WAC 230-03-085.

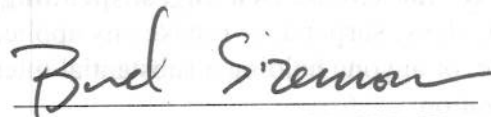
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Tami R. Morlan's certification to conduct gambling activities is REVOKED.

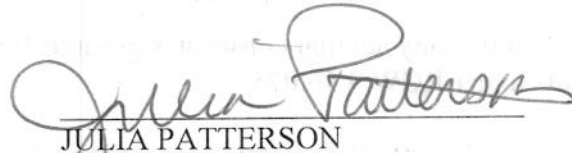
DATED this 13th day of February, 2015.

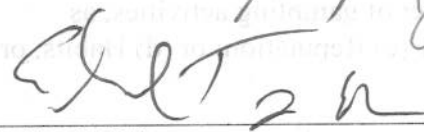
(Action was taken at the January 8, 2015, meeting).


CHRISTOPHER STEARNS, CHAIR


BUD SIZEMORE, VICE CHAIR


KELSEY GRAY, Ph.D.



JULIA PATTERSON


ED TROYER

Cmsr. Gray was not at this meeting and did not vote.

STATE OF WASHINGTON)
)SS
COUNTY OF THURSTON)

PRESENTED BY:


Amy B. Hunter, WSBA# 23773
Administrator, Communications and Legal Division
Washington State Gambling Commission

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 18 day of February, 2015


Communications and Legal Department
Washington State Gambling Commission